

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

436B0294

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1206** - 2/5/98

Introduced by: Representative Hagg and Senator Whiting

1 FOR AN ACT ENTITLED, An Act to provide for legislative review of zoning ordinances if
2 there is a protest filed.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-4-5 be amended to read as follows:

5 11-4-5. If such an ordinance ~~be is~~ adopted, the ~~same~~ ordinance shall be published and take
6 effect as other ordinances unless the referendum ~~be is~~ invoked, or unless a written protest ~~be is~~
7 filed with the auditor or clerk, signed by at least ~~forty~~ fifty-five percent of the owners of equity
8 in the lots included in any proposed district and the lands within ~~one~~ two hundred fifty feet from
9 any part of such proposed district ~~measured by excluding streets and alleys~~. A corporation shall
10 be construed to be a sole owner, and ~~when~~ if parcels of land are in the name of more than one
11 person, ownership representation shall be in proportion to the number of signers who join in the
12 petition in relation to the number of owners. ~~In the event such~~ If a protest ~~be is~~ filed, the
13 ordinance ~~shall~~ does not become effective as to the proposed district against which the protest
14 ~~has been filed. Such written protest shall not be allowed as~~ unless the ordinance is approved by
15 two-thirds of the governing body of the municipality. The provisions of this section do not apply

1 to any ordinance regulating or establishing flood plain areas.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Local Government. H.J. 152

3 2/3/98 Scheduled for Committee hearing on this date.

4 2/3/98 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 375